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**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**AGRICULTURAL ADJUSTMENT ADMINISTRATION**  
**WASHINGTON, D. C.**

(General Regulations, Series A)

**REGULATIONS GOVERNING NOTICE AND OPPORTUNITY  
FOR HEARING UPON MARKETING AGREEMENTS AND  
ORDERS AND THEIR EXECUTION AND ISSUANCE**

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, I, R. G. TUGWELL, Acting Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following regulations with the force and effect of law, to be in force and effect from the date of the approval hereof until amended or superseded by regulations hereafter made by the Secretary of Agriculture with the approval of the President under said Act.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 27 day of August 1935.



*R. G. Tugwell*

*Acting Secretary of Agriculture.*

Approved:

*Franklin D. Roosevelt*

*The President of the United States.*

THE WHITE HOUSE,

*August 30, 1935.*

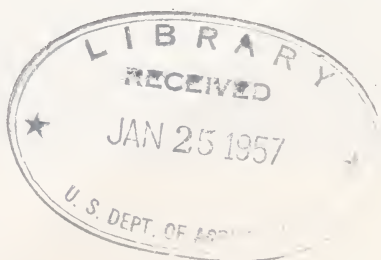
**ARTICLE I—DEFINITIONS**

SECTION 100.<sup>1</sup> As used in these regulations:

(a) The term "Act" means the Agricultural Adjustment Act, approved May 12, 1933, as amended.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

<sup>1</sup>The sections of these regulations are numbered according to the corresponding numbers of the Articles. Thus the first section of the first article is Section 100, the first Section of the second Article 200, etc.



(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Hearing Clerk" means the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

(e) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to Section 8(b) of the Act or any marketing agreement or amendment thereto entered into pursuant to Sections 56-60, inclusive, of the Act of August 24, 1935 relating to anti-hog-cholera serum and hog-cholera virus.

(f) The term "order" means any order or any amendment thereto which may be issued pursuant to Sections 8(c) or 10(i) of the Act or any order or amendment thereto issued pursuant to Sections 56-60, inclusive of the Act of August 24, 1935, relating to anti-hog-cholera serum and hog-cholera virus.

(g) The term "*Federal Register*" means the publication provided for by the Act of July 26, 1935; provisions in this regulation relating to the *Federal Register* shall not be applicable or of any effect until the commencement of said publication.

## ARTICLE II—HEARINGS ON MARKETING AGREEMENTS AND ORDERS

### GENERAL

SECTION 200. These regulations make provision for the due notice and opportunity for hearing required by law as a condition precedent to the execution of a marketing agreement or the issuance of an order. In the event that a hearing is to be held at the same time and place upon a proposed marketing agreement and a proposed order, both of which relate to the regulation of the same commodity in the same manner and with respect to persons in the same classes of industrial or commercial activity, a single notice and opportunity for hearing with reference to both the proposed marketing agreement and the proposed order shall be sufficient.

### NOTICE OF HEARING

SEC. 201. (A) CONTENTS OF NOTICE. The notice shall contain a brief summary of the major provisions of the proposed marketing agreement or order, and shall state the industry, area, and class of persons to be regulated, the time and place of such hearing, and the place where copies of the proposed marketing agreement and/or order may be obtained or examined.

(B) MANNER OF GIVING NOTICE. The Hearing Clerk shall give such notice in the following manner:

(1) By posting a copy of such notice on the official bulletin board of the Department at Washington, D. C.

(2) By publication of such notice in the *Federal Register*, when required or authorized to be published therein.

(3) By issuing press releases containing or describing such notice to such newspapers in the areas to be affected by the proposed marketing agreement and/or order as will reasonably tend to bring

notice to all interested parties including the handlers, producers with which such handlers deal, and other persons likely to be affected thereby.

(4) By forwarding copies of such notice addressed to Governors of such of the several States of the United States and to executive heads of such of the Territories and possessions of the United States as the Secretary, or such officer or employee of the Department as he may designate for this purpose, having due regard for the subject matter of such proposed hearing and the public interest, shall determine should be notified.

(5) In addition, notice may also be given by mailing, telegraphing, telephoning, or in any other manner transmitting, oral or written information of such notice to handlers likely to be eligible to enter into the proposed marketing agreement or likely to be regulated by the order, and to producer associations in the area specified in the proposed marketing agreement or order, where the names and addresses of such handlers and producer associations are known to the Secretary, or by using such other means as are calculated to give actual notice to the persons to be regulated by the proposed marketing agreement or order.

(6) Proof of the giving of notice hereunder shall be made by the affidavit of the employee of the Department who gave such notice, or who has actual personal knowledge of the facts of the giving of such notice. Such affidavit shall be filed in the Office of the Hearing Clerk and the filing thereof noted on a docket. Whenever such affidavit has been filed it shall constitute a paper or document of the Department within the meaning of Title 28, Section 661, of the United States Code.

(7) Failure to give notice by any one or more of the means herein provided shall not invalidate any marketing agreement or order nor limit its application, provided notice otherwise sufficient in law has been given.

#### TIME OF NOTICE

SEC. 202. Such notice or notices of hearing shall be given at least fifteen (15) days prior to the date fixed for the hearing set forth in said notice unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances. In the case of hearings on amendments to a marketing agreement or order, notice of hearing shall be given at least three (3) days prior to the date fixed for hearing.

#### PROPOSED MARKETING AGREEMENT AND ORDER

SEC. 203. (a) No hearing will be held upon a proposed marketing agreement and/or order unless the proposed marketing agreement and/or order has been reduced to writing and filed in the Office of the Hearing Clerk, where it shall be immediately available for inspection.

(b) Where persons other than the Secretary propose a marketing agreement, they shall file, together with at least three copies of the proposed marketing agreement, a written application requesting



the Secretary to determine whether a hearing shall be called on such proposed marketing agreement. Copies of a proposed marketing agreement or order upon which a hearing has been called shall be available to the public in the Office of the Hearing Clerk as soon as possible after the date when the notice with respect to a hearing thereon is given and copies shall also be made available at such hearing.

#### DESCRIPTION AND POWERS OF PRESIDING OFFICER

SEC. 204. Every such hearing shall be conducted by a Presiding Officer, who shall be the Secretary or such officer or employee of the Department of Agriculture as the Secretary may designate for the purpose, and any such designation may be made or revoked by the Secretary at any time. Such hearing shall be conducted in a manner to be determined by the Presiding Officer, and such Presiding Officer, by virtue of his designation as such, shall, subject to the provisions of the Act and applicable regulations issued pursuant thereto, be deemed to be an officer duly authorized by the Secretary, for the purposes and within the purview of General Regulations, Series F and shall have all the powers granted to such officer in connection with any hearing hereunder.

#### CONTINUANCE OF HEARINGS

SEC. 205. Every such hearing shall be held at the time and place set forth in the notice of hearing but may at such time and place be continued from day to day or adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the Presiding Officer.

#### SUBMISSION OF EVIDENCE

SEC. 206. All persons, including the Secretary and those appearing on his behalf, shall be given an opportunity to offer evidence in favor of or against the issuance of the proposed marketing agreement or order, or in favor of or against any provision thereof. All witnesses shall be sworn or make affirmation, after which they shall state their name, address, occupation and representation, and also such other information, orally or in writing, as the Presiding Officer may request. Where necessary, in order to prevent undue prolongation of the hearing, the Presiding Officer may limit the number of times any witness may testify, or the length of time any witness may consume in giving testimony, or the length of time to be consumed in the asking of questions. The Presiding Officer shall confine the evidence to relevant matter. Opinion evidence shall be admitted where the Presiding Officer is satisfied that the witness is qualified to give such evidence.

#### ORDER OF PROCEDURE

SEC. 207. (a) The Presiding Officer shall read the notice of hearing and the designation of the Presiding Officer, and shall then outline

briefly the procedural rules to be followed. The Presiding Officer shall then cause the proposed marketing agreement or proposed order, or a summary of the provisions thereof, to be read without argument or comment. In case the hearing is being held simultaneously upon a marketing agreement and order, a reading of either the marketing agreement or order or a summary thereof shall be sufficient; and testimony, suggested additions, alterations, or modifications, relating to either the proposed marketing agreement or order, may be considered as offered with respect to both the marketing agreement and order insofar as they are relevant.

(b) Evidence shall then be received regarding the general economic conditions existing in the industry and the specific factors responsible for the marketing conditions which may or may not necessitate regulation in order to effectuate the declared policy of the Act. No evidence shall be introduced at this stage of the hearing as to any specific provisions of the proposed marketing agreement or order.

(c) Evidence shall then be received with respect to specific terms and conditions of the marketing agreement or order, which shall be read and considered section by section in a sequence to be determined by the Presiding Officer, and additions, alterations or modifications thereto may be proposed at this time and insofar as practicable shall be submitted in writing.

#### TRANSCRIPT OF TESTIMONY

SEC. 208. Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered and received in evidence and be made a part of the record. Such exhibits shall, if possible under the circumstances, be offered in quadruplicate and in typewritten, printed, or mimeographed form. In the event of the nonavailability of the required number of copies, the Presiding Officer shall exercise his discretion as to whether said exhibit shall be read into the transcript of testimony or whether additional copies shall be required to be submitted within a time to be specified by the Presiding Officer. Where the testimony of a witness refers to an existing statute, report, or published document, either of a public or private nature, the Presiding Officer shall, after inquiry relating to and identification of said document, determine whether the same shall be produced at the hearing and physically be made a part of the record or whether it shall be incorporated into the record of the hearing merely by reference. If in the opinion of the Presiding Officer a voluminous document sought to be introduced as evidence would burden the record, he shall have the right to order the relevant part of such document made a part of the record by reference; and in such case the Presiding Officer shall direct that the same be transmitted to the Hearing Clerk with instructions to preserve it as a part of the record in said case.

## WRITTEN ARGUMENT

SEC. 209. The Presiding Officer shall announce at the hearing a period of time within which written arguments based solely upon the evidence received at the hearing may be filed in the Office of the Hearing Clerk.

## THE RECORD

SEC. 210. The Presiding Officer shall notify the Hearing Clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments and shall furnish the Hearing Clerk with such other information as may be necessary. As soon as possible after the hearing the Presiding Officer shall transmit to the Hearing Clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the Office of the Hearing Clerk. He shall attach to the original transcript of testimony his certificate stating that the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the Hearing Clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning.

## COPIES OF RECORD

SEC. 211. Any person desiring a copy of the transcript of the testimony or of any filed written exhibit or written argument shall be entitled to the same upon application to the Hearing Clerk and upon payment of fees therefor as provided by the regulations of the Department.

## ARTICLE III—ISSUING MARKETING AGREEMENTS AND ORDERS

SECTION 300. *Notice of Issuance of Order.* (a) Public notice of the issuance of any order made pursuant to these regulations shall be given at least three days prior to the effective date thereof (1) by posting a copy of such order on the official bulletin board of the Department in Washington, D. C.; (2) by publishing a copy of such order in the *Federal Register* when required or authorized to be published therein, and a notice of the date when it will become effective; (3) by issuing press releases to such newspapers in the areas to be affected by the proposed order as will reasonably tend to bring notice to the persons to be affected thereby, describing the industry and/or area covered thereby and giving the date of its approval by the Secretary, the date on which it is to become effective, and the information as to where copies thereof may be obtained; and (4) in addition to the above, notices thereof may be sent to handlers likely to be subject thereto, whose names and addresses



are known to the Secretary. Failure to give notice as provided in this section shall not invalidate the order or limit its application.

(b) A duplicate original of such order when issued shall be filed as a public record in the Office of the Hearing Clerk. Any person shall be entitled to copies of such order upon application to the Hearing Clerk.

(c) The Secretary may determine, in connection with any such notice, that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which he determines to be reasonable under the circumstances.

#### TENTATIVE APPROVAL AND FILING OF MARKETING AGREEMENT

SEC. 301. As soon as practicable after the conclusion of any hearing on a proposed marketing agreement, the Secretary shall, if he decides to approve a marketing agreement, announce his tentative approval thereof, a duplicate original of which marketing agreement shall thereupon be filed in the Office of the Hearing Clerk and be available for public inspection and execution by the persons eligible to become parties thereto.

#### NOTICE OF MARKETING AGREEMENT

SEC. 302. Whenever, pursuant to a determination of the Secretary, any marketing agreement becomes effective a duplicate original thereof shall thereupon be filed in the Office of the Hearing Clerk and be available for public inspection. The Secretary shall three days prior to the effective date of a marketing agreement mail, or transmit by any other means, notices to the signatories thereto advising them of the effective date thereof except that when the Secretary determines that an emergency exists the period of notice shall be that which he determines to be reasonable under the circumstances. A marketing agreement shall be effective and binding upon any party thereto even though such party did not receive the notice herein provided or the Secretary failed to give such notice.

#### COPIES OF MARKETING AGREEMENT

SEC. 303. Any person shall be entitled to a copy of a marketing agreement which has been tentatively or finally approved upon application to the Hearing Clerk.

#### ARTICLE IV

##### CONSTRUCTION

SEC. 400. Nothing contained in these regulations shall be, or shall be construed to be, in derogation or modification of the rights of the Secretary or of the United States (1) to exercise any jurisdiction or powers granted by the Act, or otherwise, and/or (2) in accordance with such jurisdiction and powers, to act in the premises whenever such action is deemed advisable.

**ARTICLE V—REGULATIONS REVISED AND SUPERSEDED HEREBY****REVISION**

SECTION 500. These regulations constitute a revision of Article II, General Regulations, Series 1, Revision 1, and Articles of Amendment No. 1 and No. 2 thereof; General Regulations, Series 9, and Article of Amendment No. 1 thereto; Administrative Order No. 3; and Administrative Order No. 4.

**ARTICLE VI—PUBLIC NOTICE OF FOREGOING REGULATIONS—  
HOW GIVEN****NOTICE OF REGULATIONS**

SECTION 600. Public notice of the issuance of the foregoing regulations shall be given by, (a) posting a copy of such regulations on the official bulletin board of the Department at Washington, D. C.; (b) issuing a press release containing copies of such regulations or descriptions thereof and making available in the Office of the Hearing Clerk copies of such regulations for the press; and (c) forwarding by mail copies of such regulations to the Governors of the several States of the United States and to the executive heads of the Territories of the United States.

# UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

(Amending Sec. 202 of Article II and Secs. 300, 301 and 302 of Article III of General Regulations, Series A, No. 1.)

## GENERAL REGULATIONS MADE BY THE SECRETARY OF AGRICULTURE WITH THE APPROVAL OF THE PRESIDENT UNDER THE AGRICULTURAL ADJUSTMENT ACT, MAY 12, 1933, AS AMENDED

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, I, H. A. WALLACE, Secretary of Agriculture, do make, prescribe, publish and give notice of the following amendments to General Regulations, Series A, No. 1, by striking out section 202 of Article II and sections 300, 301 and 302 of Article III, and by inserting in lieu thereof the following section 202 of Article II and sections 300, 301 and 302 of Article III, which amendments are to be in full force and effect until amended or superseded by regulations or amendments thereto hereafter made by the Secretary of Agriculture with the approval of the President under the said act.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 9th day of April, 1936.



*H. A. Wallace*  
Secretary of Agriculture.

Approved:

*Franklin D. Roosevelt*

President of the United States.

THE WHITE HOUSE.

April 10, 1936.

### ARTICLE II—HEARINGS ON MARKETING AGREEMENTS AND ORDERS

#### TIME OF NOTICE

SEC. 202. Such notice of hearing shall be given at least fifteen (15) days prior to the date fixed for the hearing set forth in said notice, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice will be that which the Secretary may determine to be reasonable in

the circumstances; *Provided, That* if such notice of hearing is required or authorized to be published in the *Federal Register*, due notice shall be deemed to have been given if such notice is published in the *Federal Register* at such time that the period of time elapsing between the publication and the date fixed in such notice for the hearing shall be not less than fifteen (15) days, or if the Secretary determines that an emergency exists which requires a shorter period of notice, then such intervening period shall be that which the Secretary may determine to be reasonable in the circumstances. In the case of hearings on amendments to marketing agreements or orders, notice shall be given at least three (3) days prior to the date fixed for hearing; *Provided, That* if notice is required or authorized to be published in the *Federal Register*, due notice shall be deemed to have been given if such notice is published in the *Federal Register* at such time that the period between the publication and the date fixed in such notice for the hearing shall be not less than three (3) days.

### ARTICLE III—ISSUING MARKETING AGREEMENTS AND ORDERS

#### NOTICE OF ISSUANCE OF ORDER

SECTION 300. (a) Public notice of the issuance of any order made pursuant to these regulations shall be given at least three days prior to the effective date thereof (1) by posting a copy of such order on the official bulletin board of the Department in Washington, D. C.; (2) by filing with the Division of the *Federal Register* a copy of such order for publication in the *Federal Register* when required or authorized to be published therein; (3) by issuing press releases to such newspapers in the areas to be affected by the proposed order as will reasonably tend to bring notice to the persons to be affected thereby, describing the industry and/or area covered thereby and giving the date of its approval by the Secretary, the date on which it is to become effective, and the information as to where copies thereof may be obtained; and (4) in addition to the above, notices thereof may be sent to handlers likely to be subject thereto, whose names and addresses are known to the Secretary. Failure to give notice as provided in this section shall not invalidate the order or limit its application.

(b) A copy of such order when issued shall be filed as a public record in the office of the Hearing Clerk. Any person shall be entitled to copies of such order upon application to the Hearing Clerk.

(c) The Secretary may determine, in connection with any such notice, that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which he determines to be reasonable under the circumstances.

#### TENTATIVE APPROVAL AND FILING OF MARKETING AGREEMENT

SEC. 301. As soon as practicable after the conclusion of any hearing on a proposed marketing agreement, the Secretary shall, if he decides to approve a marketing agreement, announce his tentative approval thereof. A copy of such marketing agreement shall thereupon be filed in the office of the Hearing Clerk and be available



for public inspection and execution by the persons eligible to become parties thereto.

#### NOTICE OF MARKETING AGREEMENT

SEC. 302. Whenever, pursuant to a determination of the Secretary, any marketing agreement becomes effective, a copy thereof shall thereupon be filed in the office of the Hearing Clerk and be available for public inspection. The Secretary shall mail, or transmit by any other means, notices to the signatories thereto advising them of the effective date thereof. A marketing agreement shall be effective and binding upon any party thereto even though such party did not receive the notice herein provided, or the Secretary failed to give such notice.

